

REMARKS

In the Claims

Claims 6 and 8-11 were pending.

Claims 6, 10 and 11 are as previously presented.

Claim 8 is cancelled.

Claim 9 is amended.

The application now contains claims 6 and 9-11.

Claim 9 is reworded for clarity by deleting reference to the "use" of controlling body odor and inserting the phrase "on the skin of a man". Support is inherent in the claim.

No new matter is added.

Claim Objections

Claim 8 is objected to as it is not clear whether it is cancelled. Claim 8 was pending but is now cancelled.

Claim Rejections

Claims 6, 10 and 11 are rejected under 35 USC 102(b) or (e) as being anticipated by Holzl, EP 1053989 or Holzl US 2003/0162836 or US 2004/0186174. EP 1053989 discloses compounds overlapping the instant compounds, the use of these compounds as a deodorant and a sample deodorant composition. The Examiner also points out that it was known at the time, US 5,643,559, that arylsulfatase inhibition could be responsible for anti-microbial activity useful in odor control.

Applicants respectfully traverse the rejections.

Applicants agree that incorporation of compounds of formula (1) into deodorant compositions is suggested in Holzl, but no deodorant compositions are actually made. While Holzl teaches that antimicrobial activity can be responsible for deodorizing activity, there are no tests for arylsulfatase inhibition since Holzl neither teaches nor suggests arylsulfatase inhibition on the skin.

The Examiner points to Eigen, US 5,643,559 to show that inhibition of arylsulfatase is known to contribute to odor control. Eigen discloses both arylsulfatase and betaglucuronidase inhibition.

Applicants respectfully point out that the compounds of Eigen, Zn⁺⁺, EDTA, NTA etc., are quite different from those of the instant invention. Applicants further note that, Eigen shows that betaglucuronidase inhibition and arylsulfatase inhibition do not go hand-in-hand, as is seen from Table I of Col. 10 of US 5,643,559. Applicants acknowledge that Eigen is cited as a secondary reference to demonstrate what is generally accepted as common knowledge at the time of the invention, however, it is respectfully asserted that Eigen does not teach that a deodorant necessarily has betaglucuronidase inhibition and/or arylsulfatase inhibition activity. A compound may have one or both of betaglucuronidase inhibition or arylsulfatase inhibition activity and not be a deodorant and a compound may not have either activity and still be a deodorant.

Applicants therefore maintain that even when considering Eigen one could not conclude whether or not specific compounds of Holzl would have arylsulfatase inhibiting activity without knowledge of Applicant's disclosure. The prior art presented by the Examiner does not indicate the prospects of success before attempting to test the compounds of Holzl US'836 for arylsulfatase inhibition, nor does it give any implication to try.

The Examiner is obviously correct in stating that arylsulfatase inhibition is an inherent property of the compounds of the instant invention, and at least some of the compounds of Holzl. However, Applicants respectfully maintain that there is nothing in the art that would instruct one as to which of the compounds of Holzl actually do have this property, especially in that Holzl is silent on this point. Applicants suggest that only in hindsight could one conclude that the instant compounds have arylsulfatase inhibition activity.

Applicants therefore conclude that as Holzl is silent regarding arylsulfatase inhibition anticipation does not exist. Applicants further suggest that even considering Eigen one could not necessarily arrive at the instant invention.

Applicants therefore suggest that in light of the above discussion that the 35 USC 102(b) or (e) rejections over Holzl, EP 1053989, US 2003/0162836 or US 2004/0186174 are addressed and are overcome and kindly ask that the examiner withdraw them.

Claims 8 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a)/(e) as being unpatentable over Holzl et al. (EP-A 1 053 989, U.S. Pub. No. 2003/0162836 or 2004/0186174); alone, or alternatively combined with OTC products (Secret® or Speedstick®).

Applicants respectfully traverse the rejections.

Claim 8 is cancelled. Claim 9 is reworded to point out a particular embodiment of the application. While the Examiner is correct that gender-specific deodorants are known, Applicants refer to the above discussion to support the assertion that there is no teaching in the cited art that the instant compounds have arylsulfatase inhibition activity.

Applicants therefore kindly ask that the Examiner withdraw the above rejections of claim 9.

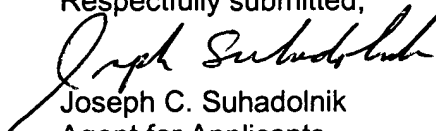
Since there are no other grounds of objection or rejection, Applicants respectfully ask that the Examiner find claims 6 and 9-11 allowable.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

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